

JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

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**BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

**IN RE NEURONTIN MARKETING, SALES PRACTICES AND PRODUCTS  
LIABILITY LITIGATION**

*Stephen Brodsky v. Pfizer, Inc., et al.*, S.D. New York, C.A. No. 1:04-7960

*Dan Huffman, etc. v. Pfizer, Inc., et al.*, S.D. New York, C.A. No. 1:04-7961

*Patti Paulsen, etc. v. Pfizer, Inc., et al.*, S.D. New York, C.A. No. 1:04-8464

*Rosalia Sumait, et al. v. Pfizer, Inc., et al.*, S.D. New York, C.A. No. 1:04-8719

*Monica Smith, etc. v. Pfizer, Inc., et al.*, S.D. New York, C.A. No. 1:04-8720

**ORDER LIFTING STAY OF CONDITIONAL TRANSFER ORDER  
AND VACATING THE MAY 26, 2005 HEARING SESSION**

A conditional transfer order was filed in these five actions on February 8, 2005. Prior to expiration of that order's fifteen-day stay of transmittal, plaintiffs in the actions filed a notice of opposition to the proposed transfer and the subsequent motion and brief to vacate the conditional transfer order. Plaintiffs have now advised the Panel that they withdraw their initial opposition to the conditional transfer order.

IT IS THEREFORE ORDERED that the stay of the Panel's conditional transfer order designated as "CTO-3" filed on February 8, 2005, is LIFTED insofar as it relates to these five actions, and thus the actions are transferred to the District of Massachusetts for inclusion in the coordinated or consolidated pretrial proceedings under 28 U.S.C. § 1407 being conducted by the Honorable Patti B. Saris.

IT IS FURTHER ORDERED that the Hearing Session Order and the attached Schedule filed on April 20, 2005, are VACATED insofar as they relate to these five actions.

FOR THE PANEL:



Wm. Terrell Hodges  
Chairman

ECF, MEMBER, RELATED

**U.S. District Court**  
**Southern District of New York (Foley Square)**  
**CIVIL DOCKET FOR CASE #: 1:04-cv-08720-JSR**

Smith v. Pfizer, Inc. et al  
Assigned to: Judge Jed S. Rakoff  
Related Case: 1:04-cv-06704-JSR  
Case in other court: State Court-Supreme, 111431-04  
Cause: 28:1441 Notice of Removal

Date Filed: 11/04/2004  
Jury Demand: Defendant  
Nature of Suit: 365 Personal Inj. Prod.  
Liability  
Jurisdiction: Federal Question

**Plaintiff**

**Monica Smith**  
*as Administratrix of the Estate of  
Kenneth Christopher Smith, deceased*

represented by **Eleanor Louise Polimeni**  
Finkelstein & Partners, LLP  
436 Robinson Ave.  
Newburgh, NY 12550  
845-563-9421  
Fax: 845-562-3492  
Email: epolimeni@lawampm.com  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Pfizer, Inc.**

represented by **Erik M. Zissu**  
Davis Polk & wardwell  
450 Lexington Avenue  
New York, NY 10017  
(212)450-4000

**James E. Murray**  
Davis Polk & Wardwell  
450 Lexington Avenue  
New York, NY 10017  
212 450-4000

**James P. Rouhandeh**  
Davis Polk & Wardwell  
450 Lexington Avenue  
New York, NY 10017  
(212) 450-4000

**Defendant**

**Parke-Davis**  
*a division of Warner-lambert Company*  
*and Warner-Lambert Company, LLC*

represented by **Erik M. Zissu**  
(See above for address)

**James E. Murray**  
(See above for address)

**James P. Rouhandeh**  
(See above for address)

**Defendant**

**Warner-Lambert Company**

represented by **Erik M. Zissu**  
(See above for address)

**James E. Murray**  
(See above for address)

**James P. Rouhandeh**  
(See above for address)

**Defendant**

**Warner-Lambert Company, L.L.C.**

represented by **Erik M. Zissu**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**James E. Murray**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**James P. Rouhandeh**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
11/04/2004	<u>1</u>	NOTICE OF REMOVAL from Supreme Court, County of New York. Case Number: 111431-04. (Filing Fee \$ 150.00, Receipt Number 525246). Document filed by Parke-Davis, Pfizer, Inc., Warner-Lambert Company, Warner-Lambert Company, L.L.C..(gf, ) (Entered: 11/09/2004)
11/04/2004	<u>2</u>	RULE 7.1 DISCLOSURE STATEMENT. Document filed by Parke-Davis, Pfizer, Inc., Warner-Lambert Company, Warner-Lambert Company, L.L.C..(gf, ) (Entered: 11/09/2004)

11/04/2004		CASE REFERRED TO Judge Jed S. Rakoff as possibly related to 1:04-cv-6704. (gf, ) (Entered: 11/09/2004)
11/04/2004		Case Designated ECF. (gf, ) (Entered: 11/09/2004)
11/11/2004	<u>3</u>	NOTICE of Appearance by Eleanor Louise Polimeni on behalf of Monica Smith (Polimeni, Eleanor) (Entered: 11/11/2004)
11/16/2004	<u>4</u>	NOTICE OF CASE ASSIGNMENT to Judge Jed S. Rakoff. Judge Unassigned no longer assigned to the case. (gf, ) (Entered: 11/19/2004)
11/16/2004		Magistrate Judge Douglas F. Eaton is so designated. (gf, ) (Entered: 11/19/2004)
11/16/2004		CASE ACCEPTED AS RELATED TO 1:04-cv-6704. (gf, ) (Entered: 11/19/2004)
11/19/2004		Mailed notice to the attorney(s) of record. (gf, ) (Entered: 11/19/2004)
12/06/2004		ORDER the Court, on its own motion, hereby consolidates these cases 04cv6704, 04cv8464, 04cv8719, 04cv8720, 04cv8721, and 04cv8963, with the earlier cases under the common caption of In re Neurontin, 04 civ. 6704 (JSR). Any party objection to the foregoing consolidation must so notify the Court, in writing, by no later than 12/13/04, in which case the Court will then convene a hearing to evaluate any such objection. Failure to raise any objection by December 13 will be deemed a waiver of any such objection. So Ordered. Original filed in case 04cv6704, doc # 11. (Signed by Judge Jed S. Rakoff on 12/6/04) (jco, ) (Entered: 12/07/2004)
04/05/2005	<u>5</u>	ANSWER to Complaint with JURY DEMAND. Document filed by Pfizer, Inc., Parke-Davis, Warner-Lambert Company, Warner-Lambert Company, L.L.C..(Zissu, Erik) (Entered: 04/05/2005)

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